

subject matter have been amended as suggested by the Examiner to more clearly define the invention.

Point 4 : Rejection under 35 USC § 103:

The Examiner rejected claims 1, 2, 4, 5, 7, 8, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Schall et al, in view of Muzik, and Swiss publication 246681. Applicant has amended claim 1 to overcome this rejection to further limit the claim to include an upper storage cavity into which the paper scrap is directed, the storage cavity for containing the scrap, the cavity being in a support (03) and having a vacuum connection. Neither Schall et al nor Muzik nor the Swiss publication 246681 teach or fairly suggest an open, upper storage cavity for containing scrap and having a vacuum connection. Further, it is believed that the limitation of "a vacuum connection" is a fair limitation, not raising a new issue or adding non-elected matter as the non-elected matter was for a suction removal device which arguably includes a vacuum, whereas, a storage cavity with a vacuum connection does not. In addition, Applicant asserts that the Examiner is engaging in impermissible hindsight reasoning in making the combination of the cited references, together with the Examiner's official notice of features he finds necessary to make the nexus required, features which are not present in the cited documents. Applicant respectfully submits that the Application can now fairly be passed on to allowance. If the Examiner disagrees, he is invited to suggest language which would satisfy him and thereby help pass this case on to allowance.

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Point 6: Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore,

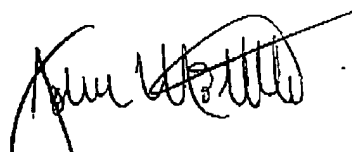
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Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4122-346-8744, fax at 011-4122-346-8960 (Geneva is 6 hours ahead of Eastern Std Time), or e-mail at moetteli@bugnion.ch.

The Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of BUGNION S.A., no. 50-0800.

Respectfully submitted,

Date : Dec 18, 2002


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U.S. Reg. No. 35,289

Enclosures: replacement abstract
clean copy of amended claims

INVALIDATING DEVICE FOR STACKS OF THIN, PLANAR OBJECTS**Abstract of the Disclosure**

A device for invalidating defective security documents has a horizontal base plate, die plates, and a drive mechanism. The base plate (9) supports the objects (14) to be invalidated. The die plates (13, 17, 18) are vertically movable and parallel to said base plate. The drive mechanism drives the die plates up and down. The device further has a perforating device which includes at least one cutting bushing (23) and a hollow paper punch (19). The paper punch (19) interacts with the cutting bushing in order to displace any paper scrap in the paper drill punch. The upper ends of the paper punches (19) are open such that the paper scrap may be pushed out into a support (03) having a storage cavity which contains the scrap and has a vacuum connection.

CLEAN COPY OF AMENDED CLAIMS

1. (twice amended) A device for invalidating planar security documents, the device having a horizontal base plate (9) onto which objects (14) to be invalidated are placed, and die plates (13, 17, 18) which are vertically movable and parallel to said base plate, and having perforating means supported on the base plate and the die plates, a drive mechanism by which the die plates can be displaced up and down, wherein the perforating means comprises at least one cutting bushing (23) with a hollow paper punch (19) interacting with each cutting bushing in order to displace the paper scrap in the paper punch, wherein the upper end of each paper punch (19) is open and wherein an exit for the paper scrap is directed upwardly, directly into an upper storage cavity for containing the scrap, the cavity being in a support (03) and having a vacuum connection.

2. (amended) The device as claimed in claim 1, wherein the cutting bushing (23) is provided in the base plate (9), and wherein the paper punch (19) is provided on the die plates (13, 17, 18).

Cancel claim 3, without prejudice.

4. (twice amended) The device as claimed in claim 2, wherein the die plates include a guide plate (17) having guide surfaces which receive and guide the paper punch (19) and which support paper products during punching, thus serving as a pressing plate for the paper products (14) to be invalidated, a punch-receiving plate (18), which receives the paper punches (19), and a pressing plate (13).

5. (twice amended) The device as claimed in claim 1, wherein the die plates include a guide plate (17) having guide surfaces which receive and guide the paper punch (19) and which support paper products during punching, thus serving as a pressing plate for the paper products (14) to be invalidated, a punch-receiving plate (18), which receives the paper punches (19), and a pressing plate (13).

6. (non-elected).

7. (twice amended) The device as claimed in any one of claims 1 to 2, wherein the die plate includes a pressing plate (13) and a receiving plate (18) which are connected at least to springs (22).

8. (twice amended) The device as claimed in any one of claims 1 to 2, wherein the die plates include a guide plate, and wherein stops (16) which limit the upper path of the guide plate (17) in order to pull paper punches (19) out of the material being punched (14) are provided on the sides of the device.

Cancel claim 9, without prejudice.

Notice of AbandonmentApplication No.
09/526,783

Applicant(s)

Sauer et al.

Examiner

Clark F. Dexter

Art Unit

3724



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Sep 24, 2002.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

CLARK F. DEXTER
PRIMARY EXAMINER
ART UNIT 3724

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.